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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92050685
Party	Defendant Executive Development Architects LLC
Correspondence Address	Executive Development Architects LLC 1317 So. Vine Street Denver, CO 80210 UNITED STATES
Submission	Answer
Filer's Name	Leigh Augustine
Filer's e-mail	laugustine@sah.com, dschachter@sah.com
Signature	/Leigh Augustine/
Date	04/20/2009
Attachments	name file.PDF (5 pages)(129893 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark
Cancellation No. 92050685
Registration No. 3468426
Mark: IGNITING BUSINESS
International Class: 35
Registered: July 15, 2008

RENEE SHATANOFF,

Petitioner

v.

EXECUTIVE DEVELOPMENT
ARCHITECTS LLC,

Registrant

ANSWER TO PETITION FOR PARTIAL CANCELLATION

Registrant Executive Development Architects LLC (“Registrant”), by and through its attorneys, Sherman & Howard L.L.C., respectfully submits this Answer to Petition for Cancellation as follows:

1. To the first sentence of Petitioner Renee Shatanoff’s (“Petitioner”) Paragraph 1, Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the second sentence of Petitioner’s Paragraph 1, Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations. To the third sentence of Petitioner’s Paragraph 1, Registrant is without sufficient knowledge or information to form a belief

as to the truth of the allegations. To the fourth sentence of Petitioner's Paragraph 1, Registrant is without sufficient knowledge or information to form a belief as to the truth of the allegations.

2. Registrant admits the allegations Petitioner's Paragraph 2.

3. Registrant admits the allegations in Paragraph 3, that Registrant is the owner of record of U.S. Registration No. 3,468,246 for **IGNITING BUSINESS**, covering "business consulting services" in International Class 035 (hereafter "Registrant's Services").

4. Registrant admits the allegations in Paragraph 4, that, among other business consulting services, Registrant is in the business of providing executives, entrepreneurs, and business professionals a training program that combines business principles with neuroscience and psychology to manage one's energy levels and concentration to achieve consistent, sustainable peak performance, and that in certain consulting situations, the ultimate objective of the training program provided by Registrant is to build a spirit-based business culture for its clients.

5. Registrant admits the allegations in Paragraph 5, that on December 14, 2008, the USPTO issued a final refusal to register Petitioner's **IGNITING BUSINESS WITH A SOCIAL BEAT** mark on the grounds that it is confusingly similar to Registrant's registration for **IGNITING BUSINESS**, as both marks are in class 035. Registrant otherwise denies the allegations in Paragraph 5 of the Petition.

6. Registrant denies the allegation in Paragraph 6, and contends that Registrant's Class 035 Registration for "business consulting services" is an accurate description of the services provided by Registrant for its mark **IGNITING BUSINESS**.

7. Registrant denies the allegation in Paragraph 7 of the Petition for Partial Cancellation.

8. Registrant denies the allegation made in the first sentence of Petitioner's Paragraph 8. Registrant denies the allegation made in the second sentence of Petitioner's Paragraph 8, as the "screenshot" in Petitioner's Exhibit D is only a part of Registrant's website. Registrant admits the allegation made in the third sentence of Paragraph 8. Registrant denies the allegation made in the fourth sentence of Petitioner's Paragraph 8.

9. Registrant denies the allegation made in the first half of Petitioner's Paragraph 9, namely, Petitioner's allegation that "to the extent Registrant can show that it has and does use the **IGNITING BUSINESS** mark in connection with 'business consulting services,' Petitioner, upon information and belief, submits that such services are rendered within the narrow field of business training and business culture development." Registrant is without knowledge or information sufficient to form a belief as to the allegation regarding the second part of Petitioner's Paragraph 9, namely, that "Registrant's...services...are not rendered to the same class of consumers or in the same channels of trade as Petitioner's Services," because Petitioner has not defined (1) Petitioner's class of consumers, (2) Registrant's class of consumers, (3) Petitioner's channels of trade, or (4) Registrant's channels of trade.

10. Registrant denies the allegations contained in Paragraph 10 of the Petition for Partial Cancellation.

11. Registrant denies each and every allegation of the Petition not expressly admitted above.

AFFIRMATIVE DEFENSES

A. Registrant affirmatively alleges that, resulting from its continuous and expanding use of its Mark since adoption, the Mark has become one of Registrant's most valuable assets. The Mark carries substantial goodwill and consumer acceptance of Registrant's services.

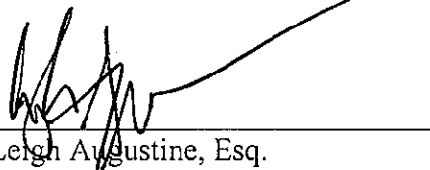
B. Petitioner has failed to state a claim upon which relief may be granted.

WHEREFORE, Registrant requests judgment dismissing Petitioner's Petition for Cancellation and this proceeding entirely.

DATED this 20th day of April, 2009

Respectfully submitted,

SHERMAN & HOWARD L.L.C.



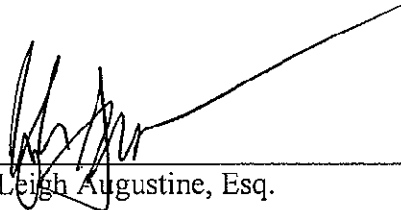
Leigh Augustine, Esq.
Sherman & Howard L.L.C.
633 Seventeenth Street, Suite 3000
Denver, Colorado 80202
Phone: (303) 299-8146
Fax: (303) 298-0940

Attorney for Registrant
EXECUTIVE DEVELOPMENT ARCHITECTS, LLC

CERTIFICATE OF SERVICE

I, Leigh Augustine, hereby certify that on this 20th day of April, 2009, the foregoing **ANSWER TO PETITIONER'S PETITION FOR PARTIAL CANCELLATION** was served upon Petitioner's counsel of record by depositing same with the U.S. Postal Service, first-class postage prepaid, addressed to Petitioner's counsel address of record as follows:

Strategic Legal Counseling
Attn: Louis F. Teran
1055 East Colorado Blvd.
Suite 500
Pasadena, CA 91106



Leigh Augustine, Esq.